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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,326	05/03/2001	Lars-Berno Fredriksson	0260/00072	7125

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EXAMINER

GYORFI, THOMAS A

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/847,326	FREDRIKSSON, LARS-BERNO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tom Gyorfi	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 February 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 29-37 and 39-44 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 29-37 and 39-44 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 29-37 and 39-44 remain for examination. The correspondence filed 2/14/05 amended claims 41-44.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/14/05 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments filed 2/14/05 have been fully considered but they are not persuasive.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the Spaur reference does not teach real-time control) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the Spaur reference

teaches that it can in fact function in real time, evidenced by the real time operating system included therein (col. 4, lines 30-55).

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 29-37 and 39-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Spaur et al (US 5,732,074).

Referring to Claim 41:

Spaur discloses a testing device in a CAN-system including a plurality of modules connected via a digital serial communication connection, comprising:  
a group of first modules connected to said digital serial communication connection at different locations (A) for controlling equipment at each location (A) (col 10, lines 10-65);  
a second module connected to said digital serial communication connection at a location (B), spaced from said locations (A), including a radio communication means and means for generating an activation message in the CAN format in response to a received message which has a partial CAN format for signaling one of said first modules over said digital serial connection (Fig. 1; col 6, lines 10-20; col 7, lines 40-60); and  
a portable control unit having a radio communication means for establishing a radio communication link with said second module (col 6, lines 10-20), and for

generating commands for activating said equipment at each of said locations (A), said portable control unit having an interface for generating a partial CAN message representing said command (col. 10, lines 55-65), and transferring said partial CAN message via said communication link to said second module which generates said CAN message from said partial CAN message and forwards said CAN message via said serial communication connection to said first group of modules permitting the response to said commands to be observed at each of said locations (A) (col 9, lines 1-30; col 9, line 60-col 10, line 10).

Referring to Claim 42:

Spaur discloses a testing device in a CAN-system having a plurality of modules connected by a digital serial communication connection comprising:

- a first group of module means connected to said digital serial communication connection at a first group of locations (A), said module means connected to control equipment at each of said location (col 10, lines 15-65);
- a second module means connected to said digital serial communication connection at a second location (B), and having a radio communication interface for creating partial CAN messages on said serial communication link (Fig. 1; col 6, lines 10-20; col 7, lines 40-60, col. 3, line 57 – col. 4, line 7; col. 4, lines 25-35); and
  - portable radio communication means for linking each location of said group of location (A) to said second module at location (13), whereby CAN messages front said first module means relating to the connection of said equipment are sent via said digital

serial communication connection to said second module means, and transferred as a partial CAN message via said radio link to said portable radio communication means (col 9, lines 1-30; col 9, line 60-col 10, line 10).

Referring to Claim 43:

Spaur discloses a testing device which permits testing of at a first plurality of locations of a CAN system comprising:

a module at each of said plurality of locations for operating connected equipment (col 10, lines 15-35);

a portable control panel connected to a radio communication terminal which can be positioned at each of said location for receiving information related to the functioning of said equipment (col 6, lines 1-25);

and a second module at a second location, said second module receiving and creating partial CAN messages from CAN messages on said CAN system (col. 4, lines 25-35) said CAN-system messages relating to the operation of said connected equipment (col 9, lines 1-30), said second module including a radio communication terminal for forwarding said partial CAN messages to said control panel whereby the information relating to operation of said equipment may be monitored by said control panel at each of said first plurality of locations (Fig 1; col 4, lines 5-25; col 10, lines 35-65).

Referring to Claim 44:

Spaur discloses a testing device for verifying operations of a CAN-system comprising a plurality of modules interconnected on a serial digital communication connection where at least one of said modules at a first location has equipment connected thereto, comprising:

a control panel which can be moved from module to module, said control panel having a radio terminal for receiving and transmitting information (col 4, lines 40-50; col 10, lines 1-15); and

a second module connected to said digital communication connection at a second location (col 10, lines 15-65), said second module having a radio terminal for receiving partial CAN messages from said control panel and establishing complete CAN messages from said partial message, and transferring information received from said serial digital communication connection as a partial CAN message to said control panel (col. 4, lines 25-35; col 6, lines 5-25), whereby commands may be issued to said equipment from said control panel, and information generated by said equipment may be monitored by said control panel (col 9, lines 1-30).

Referring to Claim 29:

Spaur discloses the limitation of Claim 41 above. Spaur further discloses wherein the CAN-system produces a first signal between the first modules to perform the particular process of the control system, and a first activation of the portable control unit at the first location gives rise to activation of circuits in the second module,

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generating the signal activation in the second module to produce said first signal (col 10, lines 35-63; col 12, lines 15-65).

Referring to Claim 30:

Spaur discloses the limitation of Claim 29 above. Spaur further discloses wherein the signal activation initiates a message in the second module for transmission over the digital serial communication connection to the first modules (Fig 3; col 12, line 40-col 13, lines 30).

Referring to Claim 31:

Spaur discloses the limitation of Claim 41 above. Spaur further discloses wherein the second module transmits a message over said serial communication connection according to a predetermined order of priority in the ordinary exchange of messages between the first modules (col 13, lines 35-55).

Referring to Claim 32:

Spaur discloses the limitation of Claim 31 above. Spaur further discloses wherein the second module causes an interruption in the ordinary exchange of messages or signals within the CAN-system, and the signal activation in the second module controls generation and dispatch of one or more test messages via a communication circuit to the first modules (col 13, lines 35-55).

Referring to Claim 33:

Spaur discloses the limitation of Claim 31 above. Spaur further discloses wherein the second module, when a signal is activated imitates a control or supervisory function, which normally occurs in the CAN system (col 8, lines 10-25) and generates a supervisory control operation for a testing or fault-searching function (col 9, lines 1-30).

Referring to Claim 34:

Spaur discloses the limitation of Claim 41 above. Spaur further discloses wherein the radio communication means operates with two-way connections such that a stimulation of a controlled or supervised component at a first module produces a feedback from the first module via the digital serial connection to the second module (col 9, lines 1-30), whereby an information signal representing the stimulation is generated and transferred via the radio communication means to the portable control unit at the first module location (col 6, lines 10-20).

Referring to Claim 35:

Spaur discloses the limitation of Claim 41 above. Spaur further discloses, wherein the operation of equipment connected to said first modules are observable (col 9, lines 1-30).

Referring to Claim 36:

Spaur discloses the limitation of Claim 41 above. Spaur further discloses wherein the radio communication means operates at frequencies of 2.4 GHz or higher (col 7, lines 60-65).

Referring to Claim 37:

Spaur discloses the limitation of Claim 41 above. Spaur further discloses wherein the radio communication means part at the first module location is connected to a control or supervisory equipment part served by the first module (Fig. 1; col 6, lines 15-30; col 10, lines 15-65).

Referring to Claim 39:

Spaur discloses the limitation of Claim 34 above. Spaur further discloses wherein the information in said messages makes it possible for a user to evaluate said control of said equipment (col 9, lines 1-30).

Referring to Claim 40:

Spaur discloses the limitation of Claim 39 above. Spaur further discloses wherein the control induces a signal emission via a fixed connection established between the first module means and an information supplying unit at one of said locations A (col 12, lines 35-65), and in that the information and signal-emission can be compared at the information-supplying unit in order to discover any defectiveness in the

communication path via the serial communication, the second module and the radio communication channel (col 13, lines 35-55).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG  
5/18/05



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